

OFFICIAL LOCAL FORM 3

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date: 8/31/16
Debtor: Mark P Valine
SS#: xxx-xx-8968
Address: 26 Chandler Drive
South Dennis, MA 02660
Debtor's Counsel: Richard D. Smeloff 567869ATY
500 Granite Ave
Suites 7&8
Address: Milton, MA 02186
Telephone #: 617-690-2124
Facsimile #: 617-690-2506

Docket #: 16-13381
Co-Debtor: _____
SS#: _____
Address: _____

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

OFFICIAL LOCAL FORM 3

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

PRE-CONFIRMATION CHAPTER 13 PLAN

CHAPTER 13 PLAN - AMENDED

Docket No.: **16-13381**

DEBTOR(S): (H) **Mark P Valine** SS# **xxx-xx-8968**
(W) _____ SS# _____

I. PLAN PAYMENT AND TERM:

Debtor's shall pay monthly to the Trustee the sum of \$ **946.00** for the term of: **Starting April 2017**

☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

☒ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

Feasibility _____ ;or

☐ _____ Months. The Debtor states as reasons therefore:

II. SECURED CLAIMS

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
Ditech	Pre-petition arrears	\$ 26,891.57
Real Time Resolutions, Inc	Pre-petition arrears	\$ 19,646.20

Total of secured claims to be paid through the Plan \$ **46,537.77**

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
Ditech	Mortgage
Real Time Resolutions, Inc	Agreement
Wells Fargo Dealer Services	Automobile Loan

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
<u>-NONE-</u>		

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of -NONE-
; or
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of -NONE-
.
- iii. The arrears under the lease to be paid under the plan are 0.00.

III. PRIORITY CLAIMS

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$

B. Other:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$

Total of Priority Claims to Be Paid Through the Plan \$ 0.00

IV. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ 2,000.00

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of 0 % of their claims.

A. General unsecured claims: \$ 2,721.60

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
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C. Non-Dischargeable Unsecured Claims:

Creditor	Description of claim	Amount of Claim
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<u>-NONE-</u>	\$	<u> </u>
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Total of Unsecured Claims (A + B + C):	\$	<u>2,721.60</u>
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D. Multiply total by percentage: \$ 0.00
 (Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of claim	Amount of claim
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<u>-NONE-</u>	\$	<u> </u>
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Total amount of separately classified claims payable at ____%	\$	<u>0.00</u>
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VI. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Miscellaneous provisions:

In order to receive a distribution under the Plan, a Proof of Claim must be timely filed.

VII. CALCULATION OF PLAN PAYMENT

A) Secured claims (Section I-A Total):	\$	<u>46,537.77</u>
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B) Priority claims (Section II-A&B Total):	\$	<u>0.00</u>
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C) Administrative claims (Section III-A&B Total):	\$	<u>2,000.00</u>
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D) Regular unsecured claims (Section IV-D Total):	\$	<u>0.00</u>
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E) Separately classified unsecured claims:	\$	<u>0.00</u>
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F) Total of a + b + c + d + e above:	=\$	<u>48,537.77</u>
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G) Divide (f) by .90 for total including Trustee's fee:	\$	<u>53,931.00</u>
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(This represents the total amount to be paid into the Chapter 13 plan)

H) Subtract the total amount of payments the Debtor has made to date.	=\$	<u>2,900.00</u>
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I) Total amount left to be paid (g minus h)	=\$	<u>51,031.00</u>
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J) Divide (i) by # of months remaining	=\$	<u>54</u>
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K) Round up to nearest dollar for Monthly Plan Payment:	\$	<u>946.00</u>
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Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
26 Chandler Drive South Dennis, MA 02660 Barnstable County	\$ 533,702.00	\$ 588,626.82
Total Net Equity for Real Property:	\$ 0.00	
Less Exemptions (Schedule C):	\$ 0.00	
Available Chapter 7:	\$ 0.00	

B. Automobile (Describe year, make and model):

2013 Chevy Silverado 56,000 miles	Value \$ 16,547.00	Lien \$ 21,868.00	Exemption \$ 0.00
Total Net Equity:	\$ 0.00		
Less Exemptions (Schedule C):	\$ 0.00		
Available Chapter 7:	\$ 0.00		

C. All other Assets (All remaining items on Schedule B): (Itemize as necessary)

2008 Jayco Jay Flight Series
Household Furnishings
Misc. Electronics
Clothing
Misc. Jewelry
Cash
Checking: Cape Cod 5
Savings: Cape Cod 5
Business Checking: Cape Cod 5
D/B/A MP Valine Plastering
Term Life Policy Through Allstate
Misc. Tools

Total Net Value:	\$ 15,435.00
Less Exemptions (Schedule C):	\$ 15,435.00
Available Chapter 7:	\$ 0.00

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ **0.00**

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Richard D. Smeloff

March 22, 2017

Richard D. Smeloff 567869ATY

Date

Debtor's Attorney

Attorney's Address: **500 Granite Ave
Suites 7&8
Milton, MA 02186**

Tel. #: 617-690-2124 Fax: 617-690-2506

Email Address: rsmeloff@msn.com

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

Date March 22, 2017

Signature /s/ Mark P Valine

Mark P Valine

Debtor

**United States Bankruptcy Court
District of Massachusetts**

In re Mark P Valine

Debtor(s)

Case No. 16-13381

Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on **March 22, 2017**, a copy of **the Plan** was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

Capital One
Po Box 30285
Salt Lake City, UT 84130

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272

Credit One Bank Na
Po Box 98873
Las Vegas, NV 89193

Ditech
Attn: Bankruptcy
Po Box 6172
Rapid City, SD 57709

Ditech Financial LLC fka Green Tree Serv
P.O. Box 6154
Rapid City, SD 57709

LVNV Funding, LLC its successors & assignee of FNBM, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603

Real Time Resolutions, Inc
1349 Empire Central drive
Suite 150
Dallas, TX 75247

Wells Fargo Bank, N.A., dba WFDS
PO Box 19657
Irvine, CA 92623

Wells Fargo Dealer Services
Po Box 3569
Rancho Cucamonga, CA 91729

/s/ Richard D. Smeloff

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